

1 JEFFRY HENDERSON (*pro hac vice pending*)
2 hendersonj@gtlaw.com
3 ROBERT CHRISTIE (*pro hac vice pending*)
4 christier@gtlaw.com
5 KATHARINE L. MALONE (SBN: 290884)
6 malonek@gtlaw.com
7 GREENBERG TRAURIG, LLP
8 Four Embarcadero Center, Suite 3000
9 San Francisco, CA 94111
10 Telephone: (415) 655-1300
11 Facsimile: (415) 707-2010

12 Attorneys for Defendants
13 KCG Americas LLC, Daniel B. Coleman,
14 Carl Gilmore, Greg Hostetler, Main Street Trading, Inc.,
15 Patrick J. Flynn, Edward W. Wedbush and Wedbush Securities Inc.

16
17 **UNITED STATES DISTRICT COURT**
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
19 **OAKLAND DIVISION**
20

21 RONALD S. DRAPER,
22
23 Plaintiff,
24
25 v.
26

27 KCG AMERICAS LLC, DANIEL B.
28 COLEMAN, CARL GILMORE,
GREG HOSTETLER, MAIN STREET
TRADING, INC., PATRICK J. FLYNN,
WEDBUSH SECURITIES INC., EDWARD
W. WEDBUSH, ION TRADING, INC.,
ANDREA PIGNATARO,
ROBERT SYLVERNE, COMPUTER VOICE
SYSTEMS, INC., PAUL STURM, and SCOTT
WILLIAM BENZ,
Defendants.

CASE NO. 4:18-CV-02524-HSG

**NOTICE OF MOTION AND DEFENDANTS
KCG AMERICAS LLC, DANIEL B. COLEMAN,
CARL GILMORE, GREG HOSTETLER, MAIN
STREET TRADING, INC., PATRICK J. FLYNN,
EDWARD W. WEDBUSH AND WEDBUSH
SECURITIES INC.'S MOTION FOR AN
EXTENSION OF TIME TO FILE MOTION FOR
SANCTIONS AND PETITION FOR LEGAL
FEES AND ORDER**

Complaint Filed: April 27, 2018

Honorable Haywood S. Gilliam, Jr., presiding

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants KCG Americas LLC, Daniel B. Coleman, Carl Gilmore, Greg Hostetler, Main Street Trading, Inc., Patrick J. Flynn, Edward W. Wedbush and Wedbush Securities Inc. (collectively, “Wedbush”) hereby move the Court for entry of an order allowing thirty days to file a Motion for Sanctions and a Petition for Legal Fees.

DATED: August 29, 2018

By: /s/ Robert B. Christie

Robert B. Christie

One of Defendants' Attorneys

KCG Americas LLC,
Daniel B. Coleman,
Carl Gilmore,
Greg Hostetler,
Main Street Trading, Inc.,
Patrick J. Flynn,
Edward W. Wedbush and
Wedbush Securities Inc.

1 **MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR SANCTIONS AND**
2 **PETITION FOR LEGAL FEES**

3 Pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Rule 6-1 of this Court's
4 Civil Local Rules, Defendants KCG Americas LLC, Daniel B. Coleman, Carl Gilmore, Greg Hostetler,
5 Main Street Trading, Inc., Patrick J. Flynn, Edward W. Wedbush and Wedbush Securities Inc.
6 (collectively "Wedbush") respectfully request the entry of an order extending the time to file a Motion
7 for Sanctions and Petition for Legal Fees, and in support state as follows:
8

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 1. Plaintiff Ronald Draper ("Draper") commenced this action on April 27, 2018, through the
11 filing of an 81 page Complaint.

12 2. On August 27, 2018, the Court dismissed Draper's Complaint and all pending motions.

13 3. Pursuant to his Futures Account Agreement with Wedbush, Draper agreed to pay
14 Wedbush's attorneys' fees if Wedbush prevailed in a dispute. As the prevailing party in this dispute,
15 Wedbush seeks 30 days to prepare and file its Petition for Legal Fees incurred in this matter.
16

17 4. In addition to the foregoing, the contemptuous conduct reflected in the 81 page
18 Complaint merely foreshadowed Draper's bad faith and vexatious actions that would follow. In
19 response to the Complaint, on August 24, 2018, Wedbush served Draper with a Rule 11 Notice, wherein
20 Wedbush demanded that Draper dismiss his action against Wedbush.

21 5. In light of the contemptuous, bad faith and vexatious conduct by Draper, Wedbush also
22 seeks the entry of an order granting it 30 days to file a Rule 11 Motion for Sanctions against Draper for
23 the recovery of attorneys' fees and costs incurred in this action.
24

25 **CONCLUSION**

26 Based on the foregoing, KCG Americas LLC, Daniel B. Coleman, Carl Gilmore, Greg Hostetler,
27 Main Street Trading, Inc., Patrick J. Flynn, Edward W. Wedbush and Wedbush Securities Inc.,
28 respectfully request the entry of an order allowing Wedbush 30 days, or until on or before September
2

1 28, 2018, to file their Petition for Legal Fees and their Motion for Sanctions against plaintiff Ronald
2 Draper, and for such further relief that the Court finds necessary under the circumstances.
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4

5 DATED: August 29, 2018

6 By: /s/ Robert B. Christie

7 Robert B. Christie

8 *Attorneys for Defendants*
9 KCG Americas LLC,
10 Daniel B. Coleman,
11 Carl Gilmore,
12 Greg Hostetler,
13 Main Street Trading, Inc.,
14 Patrick J. Flynn,
15 Edward W. Wedbush and
16 Wedbush Securities Inc.

17 DATED: 8/30/2018

